

REMARKS

Status of Claims

The Office Action mailed August 18, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-35 were pending in the application, with claims 1-19 being withdrawn. Claims 1, 6, 20, 25, 32, and 35 have been amended, claims 5 and 24 have been cancelled without prejudice or disclaimer while no new claims have been added. Therefore, claims 1-4, 6-23, and 25-35 are pending in the application and claims 20-23 and 25-35 are presented for reconsideration.

This amendment changes and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

Prior Art Rejection

In the Office Action, claims 20-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 5,657,453 to Taoka et al. (hereafter "Taoka") in view of U.S. patent 5,946,663 to Tanaka et al. (hereafter "Tanaka"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the pending independent claims 20, 32, and 35 recite a system (or software) that, *inter alia*, recites (1) tracking inventory of a time period sensitive item grown on a farm where a source item grows on the farm to produce the time period sensitive item (for example, vegetative cuttings or seedlings). In order the track this specialized type of inventory, the independent claims further recite (2) determining an initial production index value representing the number of time period sensitive items available per each period, and (3) adjusting the production index value for one or more of the time periods based on observed parameters related to the source item or growth environment associated with the source item.

None of these recited features is disclosed or suggested by either Taoka or Tanaka. As acknowledged in the Office Action, these references have nothing to do with use in a farm system. Furthermore, these references also do not disclose or suggest the above mentioned

features (1)-(3) which solve unique problems related to inventory in farm systems. Therefore, neither of these references discloses or suggests anything related to determining a time period based availability of the time period based sensitive item (grown on a farm) by determining an initial production index value that represents the number of time period sensitive items available per source items for each time period. For example, the number of vegetative cuttings from a stock plant varies from one time period to another (and from one farm to another), and this variability is accounted for in the claimed system by use of the initial production index value. Furthermore, the initial production index value is adjusted periodically based on observed parameters related to the source item or its growth environment so the claimed inventory control system provides for a far more accurate inventory control procedure for time period sensitive items grown in a farm when compared to a conventional system. These recited features are not disclosed or suggested by either of the applied references (and the Office Action does not specifically cite to any portion of applied references where these features are disclosed in the applied prior art). If the examiner is to maintain this rejection, the examiner is respectfully requested to point out specifically where these features are found in the applied references.

Therefore, neither the specific recited features nor its advantages are disclosed by the applied prior art. Accordingly, the Office Action fails to make a *prima facie* case of obviousness with respect to the pending claims as required by section 103. Therefore, applicants believe that the pending independent claims 20, 32, and 35 are allowable over the applied prior art.

The dependent claims are also in condition for allowance for at least the same reasons, as discussed above, as the independent claim on which they ultimately depend. In addition, they recite additional patentable features when considered as a whole.

If appropriate, rejoinder of withdrawn claims 1-4 and 6-19 is requested as provided by MPEP §821.04 and *In re Ochiai*.

Conclusion

In view of the foregoing amendments and remarks, applicants respectfully submit that the application is in condition for allowance. If there are any questions or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is courteously invited to contact the undersigned attorney at the local telephone number below.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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